

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ROB JOSEPH SIMMONS,

Plaintiff,

v.

MAGUIRE CORRECTIONAL FACILITY,
et al.,

Defendants.


Case No. [21-cv-03125-HSG](#)

ORDER OF DISMISSAL

On April 29, 2021, Plaintiff filed certain documents with this Court. Dkt. No. 1. The Court construed these documents as an attempt to file a 42 U.S.C. § 1983 action. Dkt. No. 2. That same day, the Clerk of the Court informed Plaintiff that this action was deficient because he had not paid the filing fee and had not submitted his complaint on the proper form. Dkt. Nos. 2, 3. Plaintiff was instructed to respond within twenty-eight days of the date of the order. Dkt. Nos. 2, 3. The deadline has passed, and Plaintiff has neither paid the filing fee (or filed an application to proceed *in forma pauperis*), nor submitted a complaint on the proper form. The Court therefore DISMISSES this action without prejudice. Because this dismissal is without prejudice, Plaintiff may move to reopen the action. Any such motion must be accompanied by both a complaint on the proper form, and either the filing fee or an *in forma pauperis* application on the proper form with the required supporting documents. The Clerk shall enter the judgment and close the file.

IT IS SO ORDERED.

Dated: 6/21/2021


HAYWOOD S. GILLIAM, JR.
United States District Judge